THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16195 OF 2006

18th AUGUST, 2006

BETWEEN

Dandi Suresh

… Petitioner

vs

The Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16195 OF 2006

ORDER:

The petitioner is allegedly the Sarpanch of Yedulapuram Gram Panchayat, Khammam Rural Mandal in Khammam District. He claims to be the social worker. This writ petition is filed challenging the action of the third respondent, District Collector, Khammam; in recommending to the second respondent, namely, Chief Commissioner of Land Administration (CCLA), to allot lands admeasuring Acs.13.25 guntas in survey Nos.101 and 104 of Peda Thanda village of Khammam Rural Mandal to the sixth respondent, by letter dated 24.05.2006.

On a representation made by the Khammam District Revenue Employees Mutually Aided House Building Cooperative Society Limited (Revenue Employees Society, for brevity), the sixth respondent herein, for allotment of Government land for house sites to the Members of the Society, the Mandal Revenue Officer, Khammam Rural Mandal, submitted a report to the Revenue Divisional Officer, Khammam (RDO),

the fourth respondent herein. The MRO identified land admeasuring Acs.19.27 guntas in survey Nos.101 and 104 of Peda Thanda village and survey No.136 of Yedulapuram village for allotment to the Revenue Employees Society. Accordingly, proposals were submitted by the fourth respondent. The District Collector published notice in the villages inviting objections. It appears Peda Thanda Gram Panchayat passed a resolution in favour of alienation of the land to the Revenue Employees Society whereas Yedulapuram Gram Panchayat (which is represented by the petitioner) raised objection for allotment of land to the Revenue Employees Society. Therefore, the District Collector thought it fit to exclude the land admeasuring Acs.6.00 in survey No.136 of Yedulapuram village, and recommend the allotment of land in survey Nos.101 and 104 of Peda Thanda village to the sixth respondent. Accordingly, he sent proposals in letter Rc.No.E1/1939/02, dated 24.05.2006 to CCLA. Even before the proposal is taken up for examination by the second respondent, and thereafter by the first respondent, the petitioner filed the instant writ petition.

Learned counsel for the petitioner submits that at request made by Telangana Non-Gazetted Officers House Building Society, Khammam, the Government of Andhra Pradesh accorded sanction to alienate the land admeasuring Acs.103.26 guntas in survey Nos.99, 100, 105/1 etc., of Peda Thanda village, hamlet of Yedulapuram village as well as the land in Danwaigudem village and therefore, the allotment of land again to the sixth respondent is arbitrary and illegal. Secondly, he would urge that Peda Thanda was part of Yedulapuram Gram Panchayat before it was constituted as a separate Gram Panchayat, that the land in Peda Thanda is required by Yedulapuram Gram Panchayat for providing house sites and that if the land is now allotted to the sixth respondent, no land will be available for provision of house sites. Therefore, he contends that the entire action of the third respondent is illegal and arbitrary.

There cannot be any dispute that after publication of notice by the District Collector, Yedulapuram Gram Panchayat, passed resolution objecting alienation. Taking same into consideration, the third respondent decided to delete the land admeasuring Acs.6.00 in survey No.136 of Yedulapuram village falling within the territorial limits of Yedulapuram Gram Panchayat. This is rationale exercise of power and no arbitrariness can be attributed to the same. Secondly, admittedly Peda Thanda village does not form part of Yedulapuram Gram Panchayat and when Peda Thanda Gram Panchayat passed resolution in favour of alienation/allotment of land to the sixth respondent, the petitioner cannot be said to have any locus to challenge the recommendation made by the third respondent.

Further, in *stricto sensu,* as at now the Government of Andhra

Pradesh, first respondent, has not taken any action on the proposal submitted by the third respondent to the second respondent. Under the present allotment/alienation Rules, it is only the Government, which can pass an order either in accepting or rejecting the proposals sent by the District Collector and then by the CCLA.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

.08.2006

pln